

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) CRIMINAL NO. 5-40006-FDS  
 )  
 HERIBERTO RODRIGUEZ )

MOTION TO CONTINUE AND TO EXCLUDE TIME

Defendant, Heriberto Rodriguez, moves that the court continue the hearing on the Defendant's Motion for Discovery scheduled for January 30, 2006 and to exclude the time from that date through the date of the rescheduled hearing.

HERIBERTO RODRIGUEZ  
By his attorney,

/s/ Catherine K. Byrne  
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## Certificate of Service

I, Catherine K. Byrne, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 7, 2006.

/s/ Catherine K. Byrne  
Catherine K. Byrne